IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODGING) NO.2703 OF 2007

Premji Narshi Shah & Ors. ...Petitioners

Versus

Municipal Corpn. of Gr.Mumbai & Anr....Respondents

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Ms.Khan for Petitioners.

Ms.Archana Joshi for Respondent No.1.

Ms.Mugdha Jadhav, A.G.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

DECEMBER 20, 2007.

P.C.

1. Counsel for the Corporation states that only process of marking has been done, which will be required for execution of the proposed concretisation of the existing road. That was in no way attempt to take any coercive action in respect of the suit premises. Counsel further submits that in future as and when occasion arises, the Corporation will take recourse to due process of law.

2. As Counsel for the Corporation assures that no precipitative steps will be taken in respect of the disputed premises unless due process of law is followed, there is no reason to examine any other contention in the present Petition.

3. The assurance given by the Corporation through Counsel, who has made that statement on instructions of Mr.A.S.Warade, Junior Engineer (Maintenance), is accepted.

4. Indeed, it will be open to the Petitioners to pursue such remedy as may be permissible in law against the proposed action of the Corporation, if resorted to by the Corporation, which claim will be decided on its own merits.

5. Petition disposed of on the above terms.

A.M.KHANWILKAR, J.